

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
W/S Dulaney Valley Rd., 40 ft. S
of c/l Valley Court Road * ZONING COMMISSIONER
1216 Dulaney Valley Road
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic District
Legal Owner: Cadillac Properties * Case No. 95-174-X
Contract Purchaser: Bonnie L.
Culbertson, DDS, Petitioner *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 1216 Dulaney Valley Road in Lutherville. The Petition is filed by Cadillac Properties, Inc., legal owner, and Bonnie L. Culbertson, DDS, Contract Purchaser. Special Exception relief is requested pursuant to the provisions of Section 1B01.1.C.9.B of the Baltimore County Zoning Regulations (BCZR), to allow a dentist office in a D.R. zone. Specifically, the regulation allows for the office of a professional person, such as a dentist, provided that any such office is established within the same building as that serving as the professional personal's primary residence, does not occupy more than 25% of the total floor area of such residence, and does not involve the employment of more than one non-resident professional associate, or two other non-resident employees.

Appearing at the public hearing held for this case was the Petitioner, Bonnie L. Culbertson. Also appearing in support of the Petition was Paul Lee, the engineer who prepared the site plan, marked as Petitioner's Exhibit No. 1. The Petitioner was represented by Francis X. Borgerding, Jr., Esquire.

Appearing as Protestants were numerous residents of the surrounding community. They included Barbara Poniatowski, President of the Dulaney Valley Improvement Association (D.V.I.A.). This Association includes those homes north of the Baltimore Beltway (I-695), west of Dulaney Valley Road,

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east of York Road and south of Seminary Avenue. The subject property is within the geographic confines of the D.V.I.A. Also appearing and testifying was Larry Lewis. Mr. Lewis also lives within the confines of the D.V.I.A. and within the small residential cluster of homes on Meadowcroft Lane. Also appearing and testifying was Robert Bowie, Jr., on behalf of the Hampton Improvement Association. This Association includes those homes across Dulaney Valley Road from the site. Other individuals who live nearby, including Elaine R. Moser, Nancy Reeder, Linda J. Gunn and Trygre Rydberg, also appeared and/or testified. The D.V.I.A. was represented by Michael Tanczyn, Esquire.

On behalf of the Petitioner, Mr. Lee testified and presented the plan. He advised that he has been familiar with this property for many years, having been acquainted with its former owner, Claude Ramsey. As shown on the site plan, the property is approximately .45 acres and is split zoned D.R.1 and D.R.2. The predominant zoning of the property is D.R.1. The property is served by public sewer and public water and is located at the intersection of Dulaney Valley Road and Valley Court Road.

Immediately to the north of the site is the Reeder property, a parcel of some 22 acres which is largely undeveloped. Across Dulaney Valley Road and south on the same side of Dulaney Valley Road are numerous residences. Mr. Lee observed that Ms. Culbertson is under contract to purchase the property and plans to reside therein and convert a part of the house to her dental office. Moreover, although a floor plan was not submitted, it was averred that the office space would be less than 25% of the floor area of the dwelling and that the dental office would not involve the employment of more than one non-resident professional associate or two other non-resident employees. Mr. Lee also described the surrounding locale from a traffic standpoint. He acknowledged that Dulaney Valley Road is a heavily traveled

road but opined that the site is appropriate for the proposed use in view of its immediate access from the Baltimore Beltway. He also believes that this dwelling is more appropriate for a professional office than any dwelling located within the interior of a residential community and served only by local streets. Dulaney Valley Road, at this point, is a five lane road with an improved shoulder on its west side.

Mr. Lee also discussed the parking spaces as shown on the site. Five spaces will be provided and the existing circular driveway will be enlarged to allow access. Mr. Lee also noted that previous zoning relief was granted in case No. 85-161-X for a dermatologist's office next door. Moreover, an attorney's office is located not far from the site, immediately south of the Beltway. Also, another dentist's office is located near the property; north of the Beltway on the east side of Dulaney Valley Road. In view of these other professional offices, Mr. Lee believes that the proposed use is appropriate. He addressed each of the requirements contained within Section 502.1 of the BCZR and opined that the proposed use would satisfy each and not result in any detriment to the surrounding locale. He also noted that no variances are being requested. That is, that parking would be in accordance with the County regulations and there will be no excessive signage.

In cross examination, Mr. Lee admitted that the driveway would have to be enlarged and that additional macadam located on the site to accommodate the required parking and driveway width. Questions were raised as to whether a mature tree on the front of the property must be removed as a result of the proposed improvements.

Testimony was also received from the Petitioner, Bonnie Culbertson. Ms. Culbertson presently resides in Perry Hall and conducts her practice in east Towson. She has been a dentist for approximately 6-1/2 years. She

he wished to establish a small office within his home. Ms. Poniatowski indicated that the community association has had a series of difficulties with that property in that the home practice has substantially grown. She fears a similar result should relief be granted in this case. She also offered extensive testimony regarding local traffic conditions. In this regard, statistics were submitted from the Baltimore County Police Department. Dulaney Valley Road is well known to this Zoning Commissioner and I am familiar with many of the Protestants' concerns in this regard. Dulaney Valley Road is, indeed, a heavily traveled roadway which is often quite congested, particularly during the business hours. The Protestants fear an increase in traffic caused by the proposed operation. They also note that access onto Dulaney Valley Road from Valley Court Road is difficult. Specifically, the sight distance is limited. Moreover, Valley Court Road is the only access to northbound Dulaney Valley Road from the community. The intersection of Charmuth and Dulaney Valley Road is porkchopped so as to prohibit traffic from turning northbound at that location. Concerns were also expressed by Ms. Poniatowski as to the proposed installation of the macadam driveway and parking area. She fears that a substantial portion of the lawn and trees in the front yard would be destroyed due to these needed improvements. She also observed that the property contains a severe slope and that an additional macadam surface would aggravate an existing water runoff problem. Lastly, she expressed fears about potential disposal of medical waste and generally feels that the site is not a suitable location for a professional office. She believes that continued exclusive residential use of the property is more appropriate.

These concerns were also expressed by Diana Itter who was called by the Protestants as a witness from the Office of Planning and Zoning (OPZ). That office's position is well set out in the Zoning Plans Advisory Commit-

tee (ZAC) comment in the file. OPZ recommends a denial of the Petition for Special Exception. Ms. Itter amplified the objections which her office has to the plan. She is the Area Planner for this district. She believes that the special exception for the dermatologist office next door has caused problems for the community, and opined that enforcement is always difficult if a property owner fails to comply with the restrictions in the Zoning Commissioner's Order. She also discussed extensively the traffic difficulties and corroborated the testimony offered by Mrs. Poniatowski. Ms. Itter concluded that the proposed use will be detrimental to the health, safety and general welfare of the locale and does not satisfy the criteria set forth in Section 502.1 of the BCZR. Lastly, she opined that since this property is within the community conservation area, office expansion therein is inappropriate. She fears a continued sprawl of offices in a north-bound direction along Dulaney Valley Road from the center of Towson. She noted that many of the properties south of the Beltway have already been converted to offices.

Similar testimony was also received from a number of other witnesses. This testimony corroborated that offered by Ms. Itter and Ms. Poniatowski. Robert Bowie from the Hampton Improvement Association shares many of the same concerns as to traffic, as does Mr. Larry Lewis from the Meadowcroft Road Community Association. He is particularly fearful of danger to the public safety if requested relief is granted. Mr. Rydberg, a long time resident of the locale, opposes commercial splintering of the neighborhood and the conversion of the lawn and trees on the front of the site to a macadam parking area. Lastly, testimony was received from Linda Gunn, President of the PTA at Hampton Elementary School. She is concerned with urban sprawl and believes that the proposal is inappropriate.

As noted above, the proposed use is permitted within the subject zone by special exception. It has been held that a special exception is part of a comprehensive zoning plan, and thereby carries the presumption that it is in the interest of the general welfare and, therefore, valid. See Rockville Fuel and Feed Company v. Board of Appeals of the City of Gaithersburg, 257 Md. 183, 262 A.2d 499(1970). A special exception use has been legislatively predetermined by the Baltimore County Council to be conditionally compatible with the uses permitted as of right in a particular zone. The Zoning Commissioner, in evaluating a special exception, must decide, in each case, that if the specific statutory criteria set forth in Section 502 of the BCZR are satisfied. See e.g., Creswell v. Baltimore Aviation Service, Inc., 257 Md. 712 (1970).

The comprehensive standard for special exceptions have been set forth in Schultz v. Pritts, 291 Md. 1, 432 A2d 1319 (1981). That case provides that a special exception should be allowed unless it is clear that the proposed use has an adverse effect upon the subject local above and beyond that ordinarily associated with the use, irrespective of its location from the zone.

In this case, the Petitioner contends that the dental office will have no unique adverse affect in this locale. More specifically, counsel for the Petitioner contends that the property's frontage on Dulaney Valley Road, a major thoroughfare, is appropriate. Moreover, the Petitioner claims that the proposed site is easily accessible from a major highway (I-695) and is consistent with the surrounding locale.

In opposition, the Protestants believe that there are unique adverse effects to this use at this location. They are particularly concerned about the limited sight distance on Dulaney Valley Road from Valley Court Road. Moreover, the high traffic volumes and speeds of traffic on Dulaney

Valley Road are, in the Protestants' view, unique factors which will be adversely affected. Moreover, as noted above, concerns were expressed as they relate to the conversion of the portion of this property to macadam and its affects on storm water runoff.

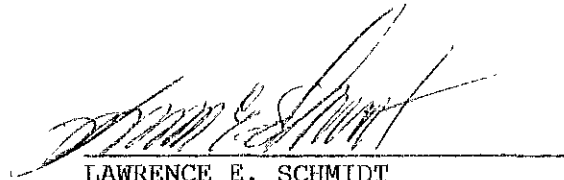
In considering the totality of testimony offered in its application to the standards set forth above, I am persuaded that the Petition for Special Exception should be denied. I concur with the Petitioner's position that a professional office is normally most desirable on an arterial road and not on a local community street, nestled within a residential area. From that perspective, I agree that the location of an office use along an arterial street is preferable. However, Dulaney Valley Road at this point is an exception to that general principal. The traffic on Dulaney Valley Road at this location is difficult, as borne out by the traffic/police statistics and testimony of the Protestants. The speeds are high and the width of the road is substantial. Traffic exiting from the subject site turning northbound on Dulaney Valley Road would face risk from the high volumes and speeds of traffic north and southbound. This factor, in and of itself, presents a unique negative factor upon which the special exception must be denied.

Moreover, I am also persuaded that this use is not appropriate for this site in view of same's strategic location on Dulaney Valley Road. This section of Dulaney Valley Road is clearly at the gateway to the many residential communities which lie north of the Baltimore Beltway. It is clear that the properties south of the Beltway have become commercial/office in use. The Beltway seems an appropriate and logical place for the commercial uses on Dulaney Valley Road to end. A professional office at this location would detrimentally affect the neighborhood at large in this locale and encourage similar uses. Such a use at this location is

urban sprawl at its worst. For these reasons, I am persuaded that the Petition for Special Exception should be denied.

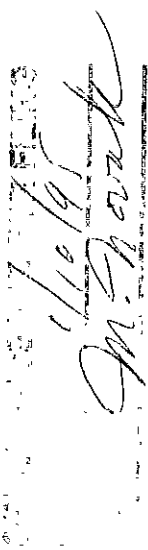
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.)?

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10th day of January, 1995 that, pursuant to the Petition for Special Exception, approval for a dentist office in a D.R. zone, pursuant to Section 1B01.1.C.9.B of the Baltimore County Zoning Regulations (BCZR), be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm



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M. Sharr

#169



Petition for Special Exception

95-174X
to the Zoning Commissioner of Baltimore County

for the property located at

1216 Dulaney Valley Road
Lutherville, MD 21093

which is presently zoned D.R. 1 & D.R. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a dentist office pursuant to Section 1B01.1.C.9b of the Baltimore County Zoning Regulations

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Bonnie L. Culbertson
(Type or Print Name)

Bonnie L. Culbertson
Signature

12006 Dulaney Valley Road
Address

Lutherville MD 21093
City State Zipcode

Attorney for Petitioner:

Francis X. Borgerding, Jr.
(Type or Print Name)

Francis X. Borgerding, Jr.
Signature

409 Washington Ave., Ste. 600
Address Phone No.
Towson, MD 21204 296-6820
City State Zipcode

Legal Owner(s):

Cadillac Properties, Inc.
(Type or Print Name)

By: John Klienber
Signature John Klienber, President

(Type or Print Name)

Signature

1216 Dulaney Valley Road

Address Phone No.

Lutherville MD 21093
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Francis X. Borgerding, Jr.
Name

409 Washington Ave., Ste. 600
Address Phone No.
Towson, MD 21204 296-6820
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: MDM DATE 11-2-94



Paul Lee, P.E.

Paul Lee Engineering Inc.

304 W. Pennsylvania Ave.

Towson, Maryland 21204

410-821-5941

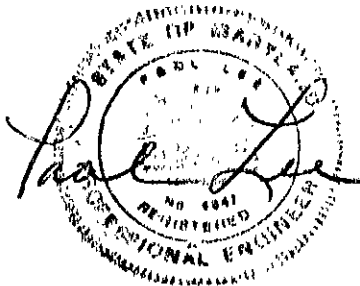
95-174-X

DESCRIPTION

#1216 DULANEY VALLEY ROAD
ELECTION DISTRICT 9C4
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the West right of way line of Dulaney Valley Road, said point also being located 40 feet \pm from the intersection of the West right of way line of Dulaney Valley Road and the center of Valley Court Road, running thence along said West right of way line of Dulaney Valley Road, (1) S $14^{\circ}29'10''$ W 112.89 feet, thence leaving said Dulaney Valley Road (2) N $75^{\circ}08'50''$ W 184.50 feet, thence (3) N $14^{\circ}51'10''$ E 85.89 feet to the South side of Valley Court Road, thence binding on the south side of Valley Court Road, (4) S $89^{\circ}35'29''$ E 168.00 feet and (5) S $39^{\circ}15'40''$ E 25.43 feet to the point of beginning.

Containing 0.457 acres of land, more or less.



169

Engineers — Surveyors — Site Planners

10/24/94 J.O. 94035

75-174-X

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: 11/10/94

Posted for: Special Exception

Petitioner: Cyclone Properties, Inc. - Bonnie L. Culbertson

Location of property: 1716 Dulany Valley Rd., W/S

Location of Signs: Facing road way on property being zoned
No poles used.

Remarks: _____

Posted by: W. J. Healy Date of return: 11/18/94
Signature

Number of Signs: 1 MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-174-X
(Item 169)
1218 Dulaney Valley Road
W/S Dulaney Valley Road,
40' S of c/d Valley Court
Road
9th Election District
4th Councilmanic
Legal Owner(s):
Cadillac Properties, Inc.
Contract Purchaser(s):
Bonnie L. Gilbertson
Hearing: Tuesday,
December 6, 1994 at
2:00 p.m. in Rm. 118, Old
Courthouse.

Special Exception for a
dentist office

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
11/206 Nov 17.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 18, 1994

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Nov. 17, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Continued~~



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-174-X

Account: R-001-6150

Number

Item # 169

Taken In By: DMK

Date 11-2-94

Owner: Calilae Properties, Inc
Contact Purch: Bonnie L. Culbertson
1216 Delamney Valley Rd.

050 - Special Exceptions — \$ 300.00

080 - 1 sign — \$ 35.00

Total \$ 335.00

MICROFILMED

01ADL#0502MICRRC
BA 002157PM11-02-94

\$335.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 169

Petitioner: Bonnie L. Culbertson

Location: 1216 Dulany Valley Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Francis X. Borgerding, Jr.

ADDRESS: 409 Washington Ave, Ste. 600

Towson, MD 21204

PHONE NUMBER: 296-6820

TO: PUTUXENT PUBLISHING COMPANY
November 17, 1994 Issue - Jeffersonian

Please forward billing to:

Francis X. Borgerding, Jr., Esq.
409 Washington Avenue #600
Towson, Maryland 21204
296-6820

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-174-X (Item 169)
1216 Dulaney Valley Road
w/S Dulaney Valley Road, 40' S of c/l Valley Court Road
9th Election District - 4th Councilmanic
Legal Owner(s): Cadillac Properties, Inc.
Contract Purchaser(s): Bonnie L. Culbertson
HEARING: TUESDAY, DECEMBER 6, 1994 at 2:00 p.m. Rm. 118, Courthouse.

Special Exception for a dentist office.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DEC. 01 1994

Francis X. Borgerding, Jr.
409 Washington Ave., Suite 600
Towson, Maryland 21204

RE: Item Number: 169
Case Number: 95-174X
Petitioner: Cadillac Properties, Inc.

Dear Mr. Borgerding, Jr.

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 02, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 21, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for November 21, 1994
Item No. 169

The Developers Engineering Section has reviewed the subject zoning item. All improvements, entrances, drainage requirements and construction affecting the MD. Rt. 146, Dulaney Valley Road right-of-way are subject to the standards, specifications and approval of the Maryland State Highway Administration, in addition to those of Baltimore County.

This site is subject to the Landscape Manual , if granted.

RWB:sw

3/2/95
3/2/95

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

NOTED 11 17 94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

Re: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 14, 1994

Item No.: SEE BELOW

Zoning Agenda:

Content:

Pursuant to your request, the referenced property has been reviewed by this Bureau and the comments below are applicable and suggested to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 164, 165, 166, 167, 168

169 AND 171.

RECEIVED

NOV 17 1994

ZADM

REVIEWER: LT. ROBERT P. SALERWALD
Fire Marshal Office, PHONE 887-4891, 22-1106F

cc: File



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 11/21/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 11/14/94

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 164
166
167
169
170
171

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

November 28, 1994

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: **Baltimore County**
Item No. # +169 (MJK)
MD 146
Cadillac Properties
Special Exception
Mile Post 1.15

Dear Ms. Winiarski:

We have reviewed the plan for the referenced item and offer the following:

- A review of the State Highway Administration (SHA) current and long range planning documents reveals that MD 146 is not identified for future roadway improvements in this area.
- A field inspection of the referenced property reveals the existing curb and gutter along the property frontage on MD 146 is in an acceptable condition.
- The proposed re-construction of the existing entrance on MD 146 to a 25' entrance with 15' radii is acceptable to the SHA.

Therefore, we have no objection to approval of the special exception request subject to our aforementioned entrance improvement comments.

Upon this development gaining final approval through Baltimore County's development review process, entrance construction shall be subject to the terms and conditions of an access permit issued by this office, with the following submittals required:

- a. Eight (8) copies of the site plan showing the SHA requirements.
- b. Completed application.

My telephone number is 410-333-1350 (Fax# 333-1041)

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Ms. Julie Winiarski
Page Two
November 28, 1994

- c. Performance bond, letter of credit, or certified check (include Federal ID number or social security number on certified checks only) in the amount of 150% of the actual entrance construction cost (to include the cost of relocating any affected utilities) and in an even thousand dollar increment. These must be made payable to the State of Maryland. (Please note that it takes 6-8 weeks for a certified check to be returned after project completion and SHA final inspection).
- d. An engineering fee check in the amount of \$50.00 for each point of access, made payable to the State of Maryland.
- e. A letter of authorization from the appropriate agency relative to the relocation of any utilities which may be necessitated by this construction; or, a letter from the developer acknowledging and agreeing to the financial responsibility for relocating any affected utilities, provided the cost for the utility relocation is included in the surety submitted for the permit.

The surety for entrance construction must be received by this office prior to our approving any building permits for this development.

Should you have any questions, or require additional information, please contact Bob Small at (410) 333-1350. Thank you for the opportunity to review this plan.

Very truly yours,



Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Francis X. Borgerding, Jr.
409 Washington Ave., Suite 600
Towson, Maryland 21204

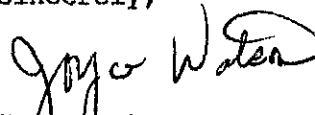
Re: Item No.169
Case No.95-174X
Petitioner:Cadillac Properties,

Dear Mr. Borgerding, Jr.

Enclosed are copies of comments received from November 28 on 1994
for the above-referenced case.

If there are any questions, please do not hesitate to call me at
887-3391.

Sincerely,


Joyce Watson

Enclosure

*Hearing Date:
12/6/94.*

11/11/95



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



December 8, 1994

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

Michael P. Tanczyn, Esquire
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Bonnie L. Culbertson, Contract Purchaser
Cadillac Properties, Inc. Legal Owner
Case No. 95-174-X

Gentlemen:

Confirming telephone conversation of December 7, 1994, it is agreed by all parties that the above captioned case has been continued to Thursday, December 22, 1994 at 9:00 A.M., in Room 118 of the Old Court House. The postcard notices that were filled out by interested parties have been mailed.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Gwen Stephens

MICROFILMED



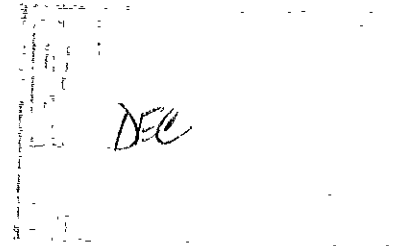
Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

November 30, 1994

Honorable Lawrence E. Schmidt
Baltimore County Zoning Commissioner
400 Washington Avenue, Suite 113
Towson, MD 21204


Re: Case No. 95-174
The Cadillac Property
Dulaney Valley & Dulaney Court



Dear Commissioner Schmidt:

Please enter my appearance in the above matter, scheduled for hearing on Tuesday, December 6, 1994, at 2:00 p.m., on behalf of the Dulaney Valley Improvement Association.

Very truly yours,


Michael P. Tanczyn

MPT/ed

cc: Dulaney Valley Improvement Association

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Paul Lee

Bonnie L. Culbertson

Norma L. Culbertson

George L. Culbertson

304 W. Penna Ave 21204

62 Millwheel Court 21236

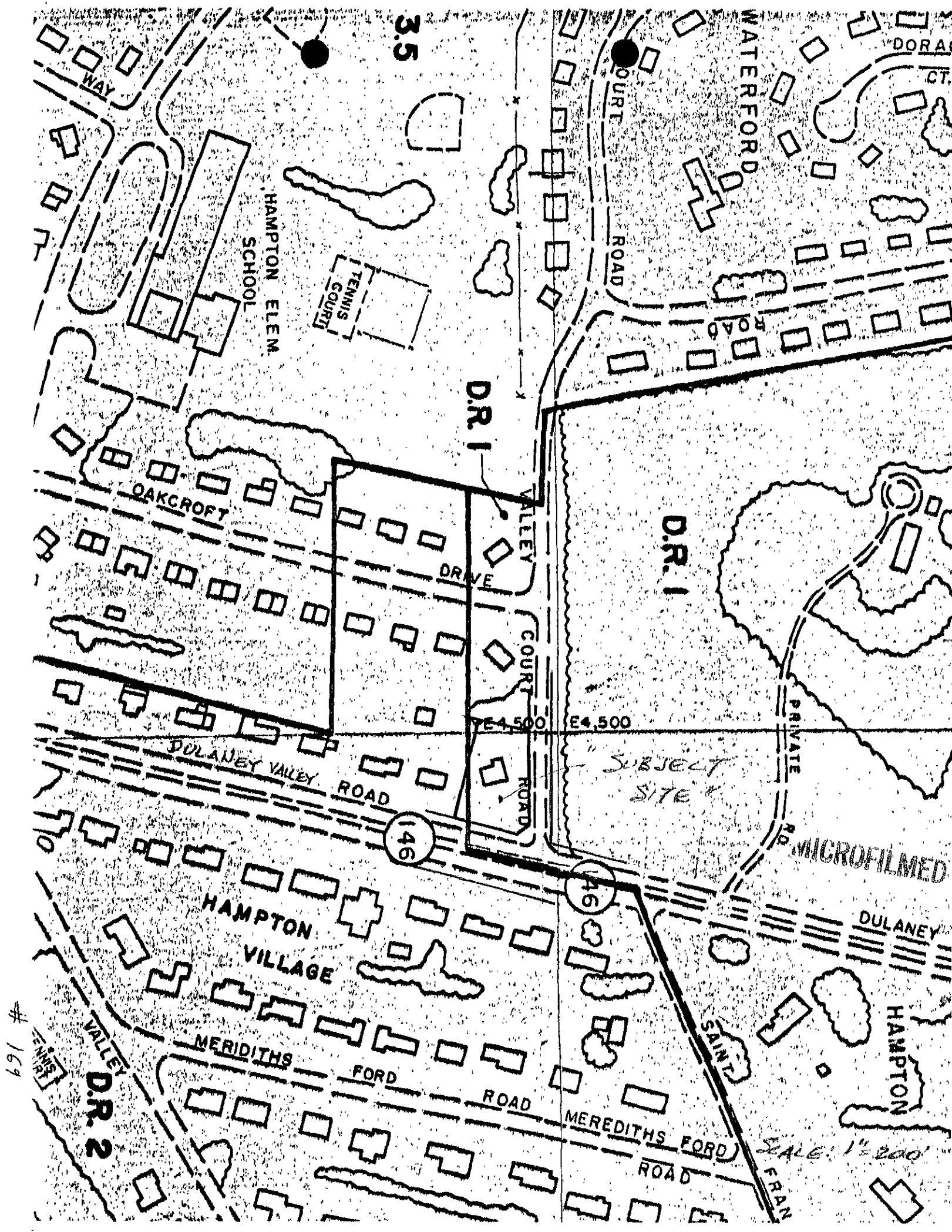
2006 Dulany Valley Road 21093

" " " " "



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on Recycled Paper

RECEIVED
JAN 10 2004



3.5

HAMPTON ELEM.
SCHOOL

TENNIS
COURT

OAKCROFT

DRIVE

DOLANEY VALLEY
ROAD

146

HAMPTON
VILLAGE

MERIDITHS

FORD

ROAD

MERIDITHS FORD
ROAD

VALLEY
D.R. 2

D.R. 1

VALLEY COURT
ROAD

COURT
ROAD

WATERFORD

DORAN
CT.

D.R. 1

MICROFILMED

DULANEY

HAMPTON

SCALE: 1"=200'

169

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: November 18, 1994

SUBJECT: 1216 Dulaney Valley Rd.

INFORMATION:

Item Number: Item No. 169

Petitioner: Cadillac Properties

Property Size: .457 acres

Zoning: D.R.-1 and D.R.-2

Requested Action: Special Exception

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff offers the following comments:

The subject property is located within a Community Conservation Area (CCA) as designated in the Baltimore County Master Plan. The character of the area is low density, single-family, residential. Preservation of the residential character of this area is of primary importance within the CCA.

The requested Special Exception for a dentist's office is inconsistent with the purpose and intent of the CCA. It is the opinion of this office that the use would be detrimental to the health, safety and welfare of the area and would create traffic congestion and circulation problems. Additionally, parking for five cars in the front yard is undesirable and not in keeping with the residential character of the area. As evidenced by the conversion of the dwelling on the adjacent lot for office purposes, a legitimate concern exists regarding over concentration of these conversions in the well maintained community of Dulaney Village. Should the applicant's request be granted, a pattern of change could begin along Dulaney Village resulting in a permanent negative impact to the neighborhood.

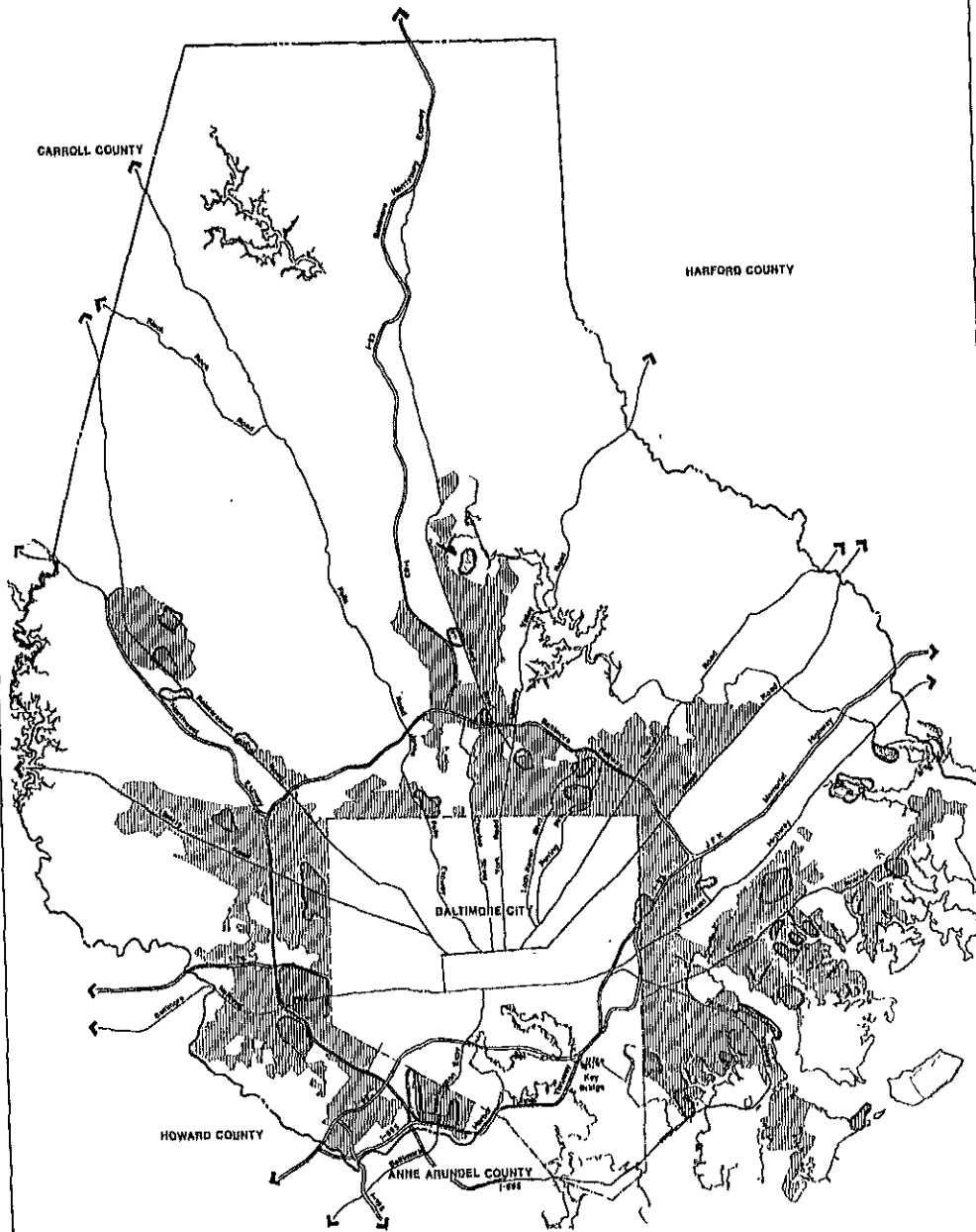
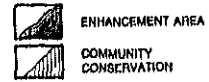
Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kern

PK/JL

Ret No 2

**COMMUNITY
CONSERVATION &
ENHANCEMENT
AREAS**



MICROFILMED

Ref No 3 *(RPD)*



TRAFFIC COUNTS
THE CADILLAC PROPERTY
DULANEY VALLEY AND DULANEY COURT
CASE NUMBER 95-174

The Baltimore County Traffic Bureau figures are as follows:

Dulaney Valley & Pot Spring	
1987 Average Daily Trips	13,500

The State Highway figures from John Richzalsky are as follows:

Dulaney Valley & Towsontown Center	
for 12 hours 12/4/93	25,700
Dulaney Valley & Fairmount	
one day 6/12/92	50,957
Dulaney Valley at Charmuth 1993	19,350
Dulaney Valley South of Seminary 1993	26,975
Dulaney Valley North of Seminary 1993	18,175
Jarretttsville Pike South of Sunnybrook	
1993	11,250
Jarretttsville Pike North of Sunnybrook	
1993	10,950

**PROTESTANT'S
EXHIBIT NO. 111**

MICROFILMED

BALTIMORE COUNTY POLICE DEPARTMENT
TRAFFIC RESOURCE MANAGEMENT
ACCIDENT DATABASE MANIPULATOR
VERSION 1.00A

REPORT COVER SHEET

OBTAINED ON: Monday, December 5, 1994
DATES COVERED: Thursday, January 1, 1987

OBTAINED BY: *At. Robert DENTIE*
TO Friday, January 1, 1993

----- USER NOTES -----

----- SEARCH ROUTES -----

Search Route
PFX NUMB SFX
MD 0146

Road Name
DULANEY VALLEY RD

Start End
Mile Mile
000.95 to 001.61

ADT MTN

PROTESTANT'S
EXHIBIT NO. *710000002*

RECEIVED

SEARCH SUMMARY SHEET

TIME OF DAY	
6AM-9AM	6.12%
9AM-4PM	36.73%
4PM-7PM	32.65%
7PM-6AM	22.45%

ROADWAY SURFACE	
WET	24.49%
DRY	73.47%
SNOW	2.04%
ICE	0.00%
MUD	0.00%
OTHER	0.00%
UNKNOWN	0.00%

COLLISION TYPE		PERCENTAGE		TOTAL ACCIDENTS: 49	
HIT & RUN	2.04%	<--\ /--->	0.00%	34.69%	OTHER
		----->			
--> <--	0.00%	----->	4.08%	0.00%	SINGLE VEHICLE
--> <--	16.33%	----->			UNKNOWN
---		----->			
--> -->	20.41%	----->	0.00%	0.00%	
		----->			
--> --+	0.00%	----->	2.04%	4.08%	
		----->			
--> --+	0.00%	----->	0.00%	0.00%	
		----->			
--> --+		----->			
		----->			

BALTIMORE COUNTY POLICE DEPARTMENT
TRAFFIC RESOURCE MANAGEMENT
ACCIDENT DATABASE MANIPULATOR
VERSION 1.00A

ACCIDENT INFORMATION SUMMARY

REPORT NUMBER	LOC MILE	I R I A # # R S	INJ. D OKPK	INJ. D UIPI	TD W L S W MDDAYR	# TYPE V VIVE	TW VIVE	FHSH STST	POSD 12	CT VIVE	DV VIVE	MOVE 12	PCSC 12	CD AG MA L	PEDESTRIAN CONT	K C L H NE	LA S L T C	S R T D	FF RC	LA MUN # L R
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4769424	0.95	0 2 4 0 0	02 0 6	091688	20 1 4 2 2	0205	01	02 12	1301	1394	19	03	3 1 02	5 3 1
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BALTIMORE COUNTY POLICE DEPARTMENT
 TRAFFIC RESEARCH MANAGEMENT
 ACCIDENT DATABASE MANIPULATOR
 VERSION 1.00A

ACCIDENT INFORMATION SUMMARY

REPORT LOG I R I A W F A T I N J . D DATE TD W L S # TYPE TW FHSN POSO CT DV MOVE PCSC CD PEDESTRIAN TRAP K C LA S S R FF UA MUN L L
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5596644 1.59 0 2 1 0 0 00 0 2 122192 17 1 4 2 2 0202 01 02 12 1201 1395 11 03 3 2 01 5 3 1



DULANEY VALLEY IMPROVEMENT ASSOCIATION, INC.
P.O. BOX 102
LUTHERVILLE, MARYLAND 21094

Resolved- that the position of the Dulaney Valley Improvement Association, Inc. as adopted by the Board of Directors on December 5, 1995 on the zoning matter known as Case 95-174 - petition for special exception to allow a dental office on the Cadillac property at 1216 Dulaney Valley Road is strongly opposed. As witnessed our hand this 5th day of December 1994.

Attest:

Larry Rackson
Larry Rackson
Treasurer

Dulaney Valley Improvement
Association, Inc. by
Barbara Poniatowski
Barbara Poniatowski
President

Prot 10

10/10/95



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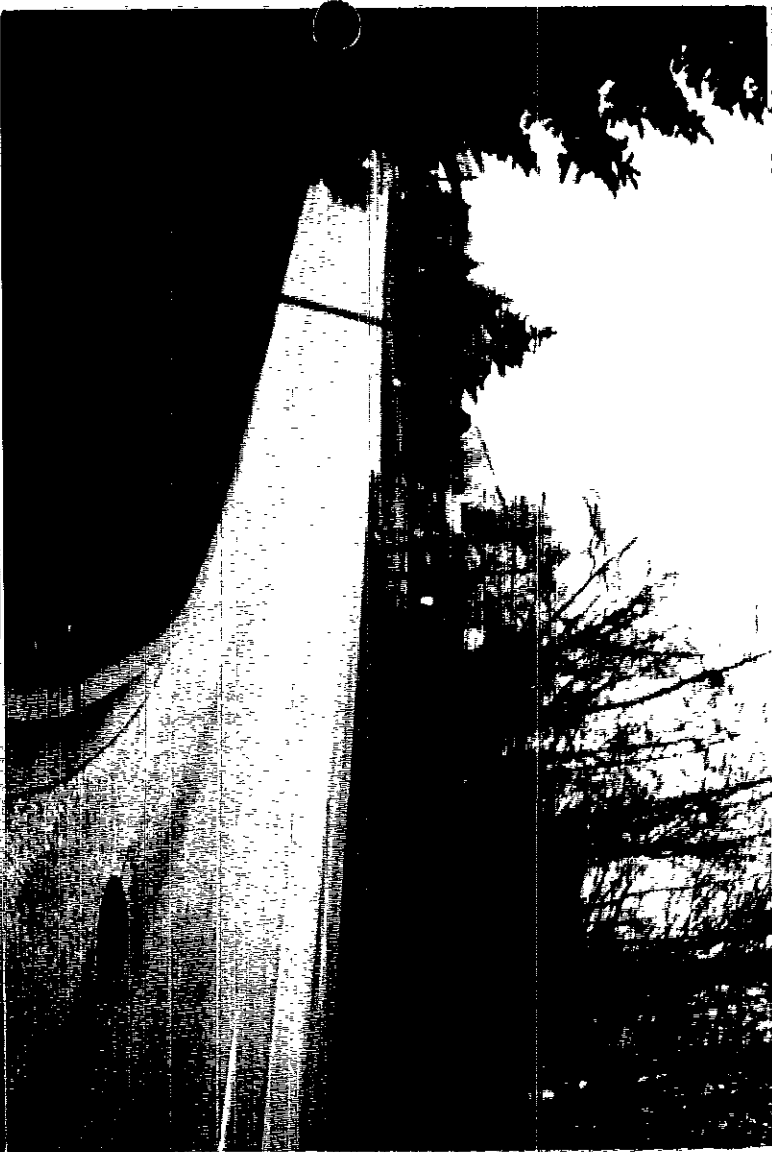
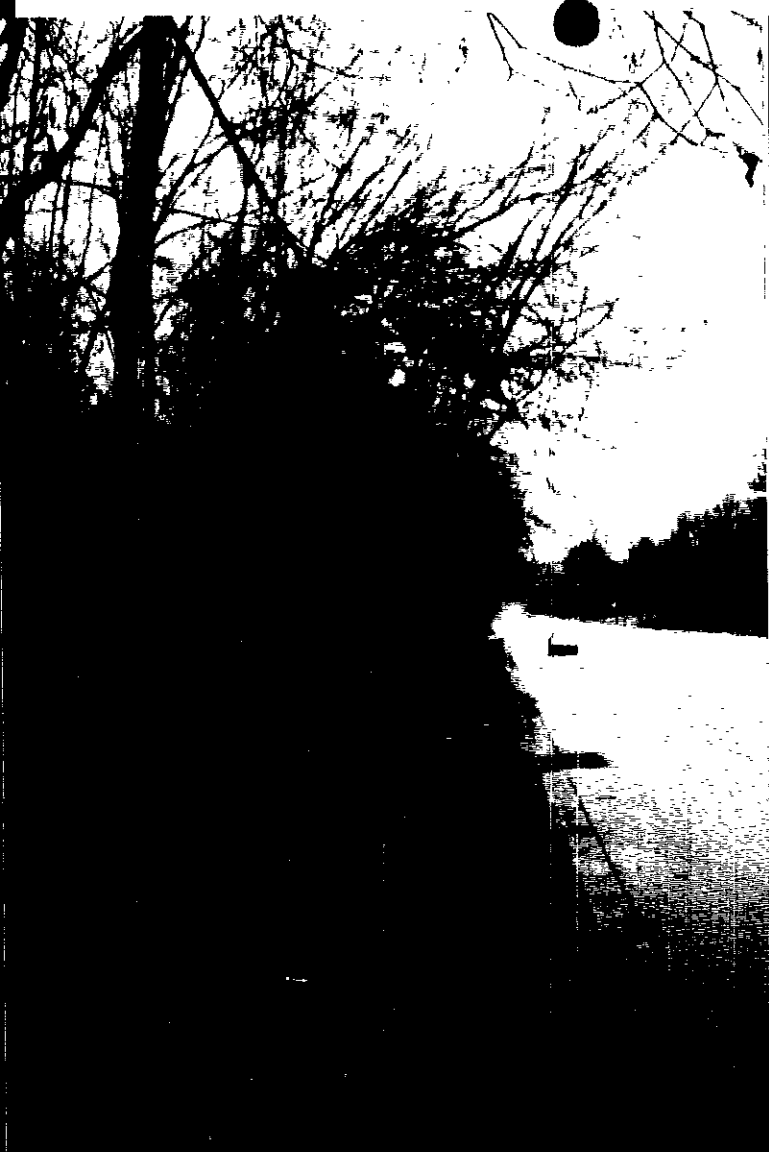
Page 4

11/23/94

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1995-12-05 14:00:00



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8 *WLP*

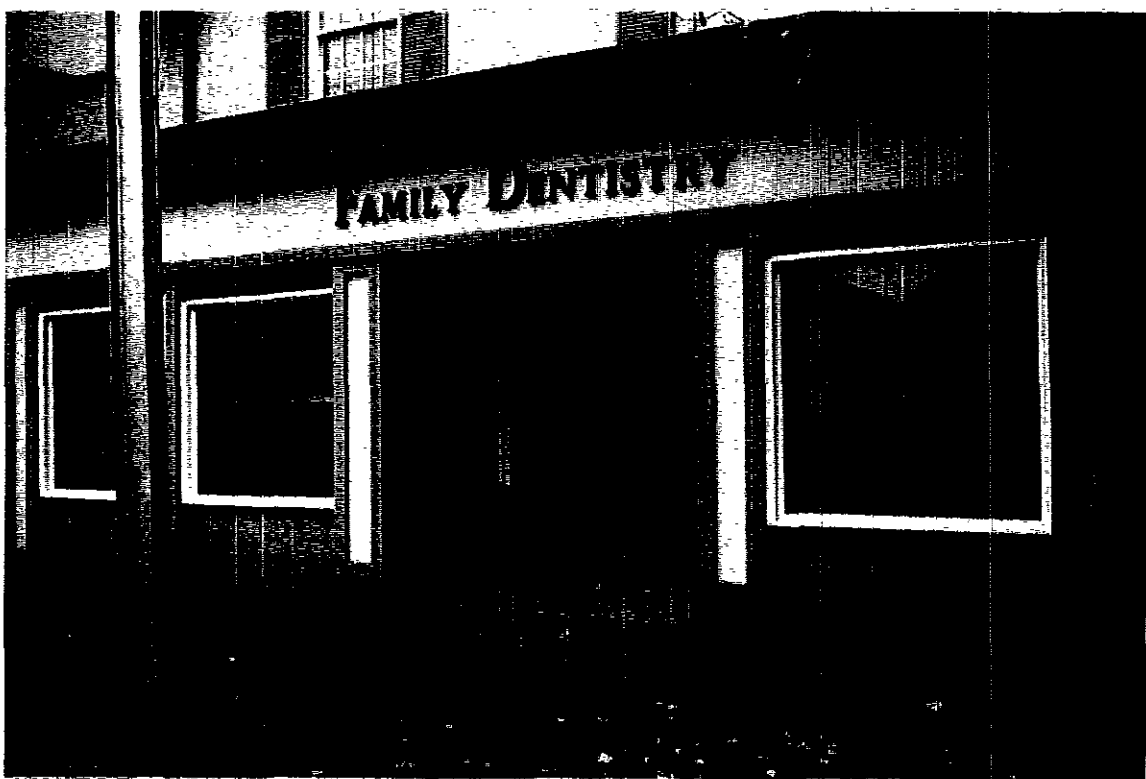


EXHIBIT 8



Prot Ex

9A



9 B



9 C



9D



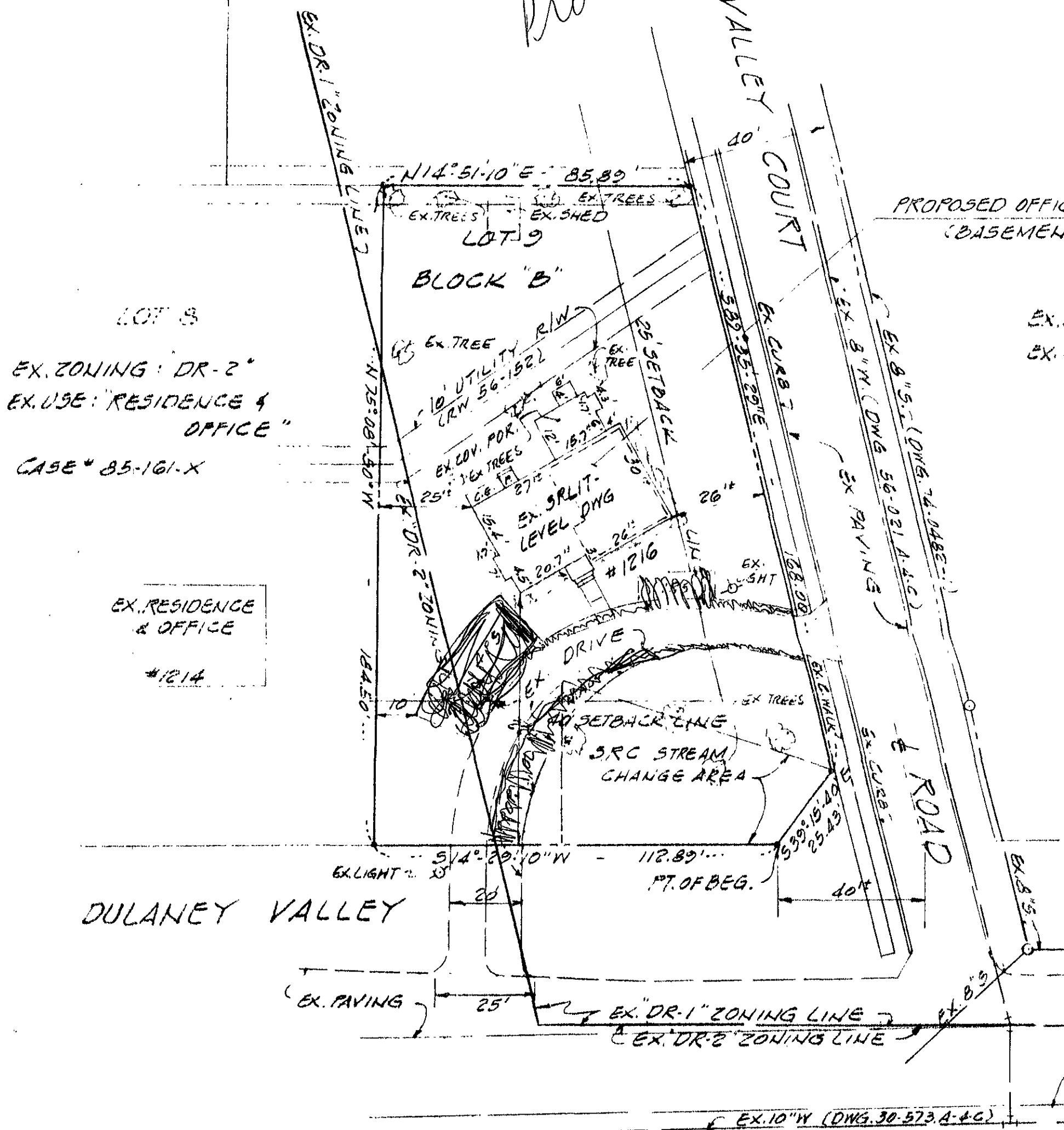
9E

EX. ZONING: "DR-2 & DR-1"
EX. USE: "RESIDENTIAL"

407'9

LOT 10

prot NO 6



EX. ZONING: DR-2"
EX. USE: RESIDENTIAL"

proposes relocating to the subject site and will make her primary residence at this location. She will also convert a small area of the dwelling for her dental office. She confirmed that the area of the office would be less than 25% of the square footage of the residential dwelling. What is proposed is a solo practice with two dentist's chairs. She will be the only practicing dentist at this office. She will maintain a small staff including a receptionist/assistant. The proposed hours of operation will be from 9:00 to 6:00 on Monday, Tuesday and Wednesday; and from 9:00 to 5:00 on Friday; and from 9:00 to 1:00 on Saturday. It is envisioned that approximately 5 to 10 patients will be seen per day. Dr. Culbertson acknowledged that she presently has approximately 1,000 patients; however, predicted that this number would be reduced. It is her intent to discontinue services for the members of an HMO with which she is presently affiliated. She also expressed a willingness to retain as much landscaping as possible on the site. In essence she hopes to be a good neighbor and feels that this is an appropriate location for the proposed use.

Substantial testimony was taken from the Protestants who appeared. This included proffered testimony from Mrs. Reeder who owns the large tract immediately to the north. She indicated that there are no commercial uses on her property and that it is her intent to keep the 22 acres undeveloped at this time. This is one of the last large tracts of land in this area which has not been developed.

Testimony was also received from Barbara Poniatowski of the D.V.I.A. The Board of Directors of that community association have taken the position to oppose the subject request. She also noted that in case No. 85-161-X, then Zoning Commissioner, Arnold Jablon, approved the limited operation for the dermatologist practice next door. In that case, the dermatologist stated that his primary practice would be offsite, however,

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 9, 1995

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
Suite 600
Towson, Maryland 21204

Michael P. Tanczyn, Esquire
Room 106, 606 Baltimore Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
Case No. 95-174-X
Bonnie L. Culbertson/Cadillac Properties, Inc.
Property: 1216 Dulaney Valley Road

Gentlemen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

cc: Paul Lee Engineering, Inc.
Bonnie Culbertson, DDS
Mrs. Barbara Poniatowski, President of Dulaney Valley Improv. Assn.
Mr. Robert Bowie, Jr., Hampton Improvement Assn.
Mr. Larry Lewis, Meadowcroft Road Community Assn.
Mrs. Linda Gunn, President, PTA, Hampton Elementary School



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 10, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-174-X (Item 169)
1216 Dulaney Valley Road
w/S Dulaney Valley Road, 40' S of c/l Valley Court Road
9th Election District - 4th Councilmanic
Legal Owner(s): Cadillac Properties, Inc.
Contract Purchaser(s): Bonnie L. Culbertson
HEARING: TUESDAY, DECEMBER 6, 1994 at 2:00 p.m. Rm. 118, Courthouse.

Special Excepetition for a dentist office.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Cadillac Properties, Inc.
Bonnie L. Culbertson
Francis X. Borgerding, Jr.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



95-174X

12/22/94

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Barbara Bratowski

26 Greenridge Rd. Lutherville

Wesley R. Reeder

1300 Dulany Valley Rd.

Elaine R. Moser

1215 Dulany Valley Rd. 21286

Harry Schneider

317 Valley Ct Rd.

Robert Bowie Jr

526 E. Seminary Ave.

Linda Gunn

1223 Dulany Valley Rd

1233 Dulany Valley Rd

1233 Dulany Valley Rd



95-174 X

PROTESTANT(S) SIGN-IN SHEET

ADDRESS

1215 Dulaney Valley Rd.

319 Valley Ct. Rd

1206 Doves Cove Rd

321 MEADOWCROFT LN.

1223 Dulancy Dulancy Valley Rd
Ft. Le

500 Hampton Lane.

1300 Dulaney Valley Rd.

317 Valley Court Road

[illegible]

1233 Duaneville Rd.

Ernest W. Fyallberg

DULANEY MANOR

GLB 22-85

EX ZONING: DR-2 & DR-1
EX USE: RESIDENTIAL

LOT 9

LOT 10

VALLEY COURT

PROPOSED OFFICE AREA
(315,000 sq ft)

EX ZONING: DR-1
EX USE: RESIDENTIAL

EX ZONING: DR-2
EX USE: RESIDENCE &
OFFICE

Case # 84-161-X

EX RESIDENCE
& OFFICE

*12/14

DULANEY VALLEY

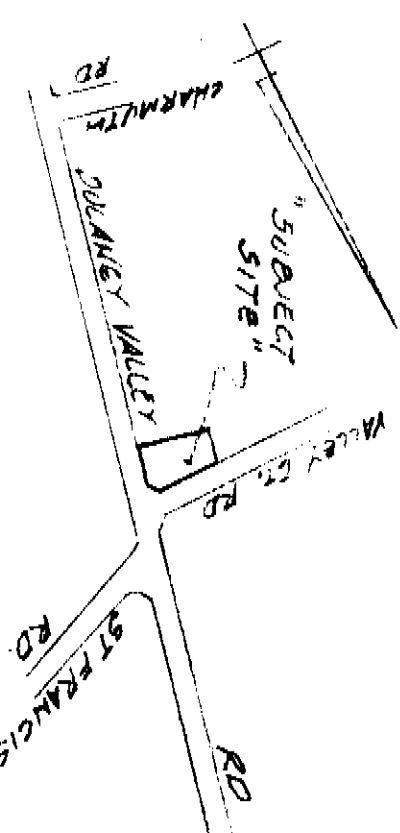
EX PAVING

EX DR. 1 ZONING LINE

EX DR. 2 ZONING LINE

EX PAVING

EX ZONING: DR-2
EX USE: RESIDENTIAL



LOCATION MAP
SCALE: 1"=100'

95-174-X

GENERAL NOTES

1. AREA OF PROPERTY = 0.457 AC. (19,955.06 SQ. FT.)
2. EXISTING ZONING OF PROPERTY = DR-1 & DR-2
3. EXISTING USE OF PROPERTY = "RESIDENTIAL"
4. PROPOSED ZONING OF PROPERTY = "DR-1 & DR-2"
5. PROPOSED USE OF PROPERTY = "RESIDENCE & OFFICE"
6. EXISTING AREA OF CHURCH = 6,570.00 SQ. FT.
7. AREA OF PROPOSED OFFICE PERMITTED = 250,000.00 SQ. FT.
8. AREA OF PROPOSED OFFICE = 642,500.00 SQ. FT.
9. REQUIRED OFF-STREET PARKING = 642 @ 45/1,000 SQ. FT. = 315 OFFICE = 315, RESIDENCE = 275, TOTAL = 590
10. NUMBER OF PARKING SPACES SHOWN
11. PROPERTY SERVED BY PUBLIC SEWER & WATER
12. PETITIONER REQUESTING A SPECIAL EXCEPTION TO PERMIT 25% OF A RESIDENCE TO BE USED AS A PROFESSIONAL OFFICE IN A DR-1 ZONE.
13. PROPERTY HEAVILY LANDSCAPED
14. PROPOSED SIGN IN ACCORDANCE WITH SECT. 4.39, POULICES.

PLAT TO ACCOMPANY PETITION

FOR

SPECIAL EXCEPTION

1016 DULANEY VALLEY ROAD

ELECT. DIST. CO. BALTIMORE COUNTY, MD.

SCALE: 1"=30'

OCT 20, 1994

MICROFILMED

PAUL LEE ENGINEERING, INC.

304 W. PENNSYLVANIA AVE.

TOWSON, MARYLAND 21204

169



24-035